

REMARKS

Applicant herewith cancels no claims, amends no claims and adds no new claims and respectfully requests reconsideration of the finality of the instant Office Action.

Applicant respectfully requests entry and favorable consideration of the amendments and remarks contained herein. This Response After Final Rejection includes remarks intended to persuade the Examiner to place the pending claims in condition for allowance and said response was not filed earlier due to the procedural posture of the application. Applicants respectfully suggest entry of the instant Response is wholly warranted.

Claims 1-8, and 10 stand rejected under §102 as being anticipated by, or in the alternative, under §103 as being obvious from Cohen (U.S. Patent No. 5,156,148). Claim 9 stands rejected as being obvious over Cohen. The application of Cohen is the same for independent claim 1.

Applicant respectfully asserts that independent claim 1 can be distinguished vis-à-vis Cohen in that the claimed invention includes limitations not found in Cohen expressly or by principles of inherency.

For example, Cohen is devoid of any teaching or suggestion regarding the following limitation found in independent claim 1:

...a processor configured to receive the electrical signals indicative of heart rate, to detect cardiac arrhythmia only from heart rate and without regard to patient hemodynamic condition by applying arrhythmia detection algorithms and predefined arrhythmia criteria to the electrical signals indicative of heart rate, to discriminate between an atrial arrhythmia and a ventricular arrhythmia as a function of only heart rate, and to generate an arrhythmia signal as a

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function of the type of arrhythmia discriminated as a function of only the heart rate... (emphasis added)

Thus, it can be appreciated that the instant invention is distinguishable from Cohen and suggests that said claim should be allowed as should the claims depending directly and indirectly therefrom.

Since claims 2-10 depend directly or indirectly from independent claim 1 they too should be deemed sufficiently distinguished from Cohen so that they too should be allowed and thus proceed to timely issuance as U.S. Letters Patent.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

Chester L. Struble

Date

17 Oct 05


Paul H. McDowall
Reg. No. 34,873
(763) 514-3351
Customer No. 27581